

The regular meeting of the Council of the Town of Altavista was held in the Council Chambers of the Municipal Building, 510 Seventh Street on April 26, 2011 at 6:00 p.m.

1. Mayor Burgess called the meeting to order and presided.

Council members

present:

Mr. J.R. Burgess  
Mr. Ronald Coleman  
Mrs. Beverley Dalton  
Mr. Charles Edwards  
Mr. Bill Ferguson  
Mr. Jay Higginbotham  
Mr. Michael Mattox

Also present:

Mr. J. Waverly Coggsdale, III, Town Manager  
Mr. Dan Witt, Assistant Town Manager  
Mr. John Eller, Town Attorney  
Mrs. Mary Hall, Administration

Mayor Burgess advised at the last Council meeting a public hearing was conducted to receive public comment on the proposed amendment of Dominion Virginia Power's special use permit.

Mr. Eller presented at the last meeting on April 19, 2011, Council went through the blue sheets for changes. He stated, "We discussed changes that we would make to the blue sheets. We came up with wording that was agreeable to everyone with the exception to language to #7 on the truck traffic. We added language that the trucks could not use restricted routes coming in or going out. That was a sticking point for VEPCO. They felt they did not have the authority to do so once the trucker had delivered the load; he was free and could not be told what to do after that. They were concerned about having a condition in the special use permit to prevent the truckers from doing this. Another concern was what if the truckers wanted to conduct business in Town after they had made a delivery; we did not come to a conclusion, it was just a concern. We also did not come to an agreement on the non severance clause for the special use permit which states that if VEPCO were to initiate a challenge to the special use permit then the entire special use permit would be invalid. My concern I present to Council that we might come to a comprehensive agreement during this negotiation process and after we issue the special use permit that allows the client to operate that they might file an appeal and take out the parts they did not like. That was the goal of that clause to prevent VEPCO from doing that." Mr. Eller stated the Special Use Permit with the specific conditions was presented to VEPCO with Paragraph 7 language being left in that stated the exit was also prohibited because VEPCO had said they would be working up some language that would address the problem to the satisfaction of Council. Mr. Eller stated, "Today we received an email from VEPCO stating the language they are proposing to update Paragraph 7; Mr. Coggsdale has a version of this special use permit. This has everything we have agreed to over the course of last week along with the language VEPCO wants regarding trucks exiting town. We came to an agreement for the language that would be put on record at the time of Council's vote and will not be appealed." Mr. Eller recommended removal of Paragraph #29 because that issue has been resolved. Paragraph #7 does not say they will prevent trucks from using the restricted routes to exit. They will only use their good faith efforts to notify the truck drivers but are not legally responsible for what the trucks do when they leave. He stated he and staff recommend Council consider this language be added to the special use permit.

Mr. Coleman asked Mr. Eller to explain #29 again.

Mr. Eller explained with a special use permit, an applicant does not have to agree but with this we have assurance they will not appeal and that they agree; thus the Town

has a package deal that VEPCO agrees to. This solves the issue Mr. Eller has been concerned about.

A motion was made by Mr. Coleman, seconded by Mr. Ferguson, to approve the amendments to the special use permit for the power generation plant with stated conditions dated April 25, 2011.

Mr. Mattox questioned with the change of amendments, if the Town was required to re-advertise for public comment.

Mr. Eller stated Council is working through the final provisions and did not feel another public hearing was necessary.

Mr. Mattox questioned trying to locate an alternate route for public safety. If VEPCO can control coming in, why can't they control the trucks leaving Town? Two of the routes go through school zones, residential areas, with one going through a busy intersection that does not have a stop light.

Mr. Eller stated VEPCO does not have legal authority to do so. Once the truckers make their delivery, it changes their status. The truckers may want to conduct business in Town. The Town has in its power 46.2 809 and 1304 to restrict through trucks in certain circumstances.

Mr. Higginbotham stated an alternate route has been discussed with VEPCO. VEPCO stated they would review but didn't want it in the special use permit. He asked for Mr. Eller's thoughts on this matter.

Mr. Eller answered we do not have the authority to require them to build another road. Can we restrict truck traffic on Pittsylvania Avenue to certain times? The answer was no we cannot do that either. Every truck will have to be restricted, not just chip trucks.

Mayor Burgess asked if there were any other questions. He then stated we have before us the consideration to build a cogeneration plant in the Town of Altavista.

Mr. Higginbotham asked for a 25-foot high berm to be added to the special use permit.

It was discussed how wide the berm should be.

A motion was made by Mr. Higginbotham, seconded by Mr. Edwards to include a 25-foot berm to the special use permit.

Motion carried:

VOTE:	Mr. J.R. Burgess	No
	Mr. Ronald Coleman	No
	Mrs. Beverley Dalton	No
	Mr. Charles Edwards	Yes
	Mr. Bill Ferguson	No
	Mr. Jay Higginbotham	Yes
	Mr. Mike Mattox	Yes

Mr. Higginbotham stated the chip trucks produce a lot of trash. He asked if the public employees were going to be responsible for clean up at no cost to VEPCO. Should VEPCO pay the Town of Altavista for the cleanup?

Mr. Coleman questioned how many times the Town has had to clean up this type of debris.

Mr. Coggsdale answered it is not a frequent problem but it does happen occasionally.

Mr. Higginbotham responded there has never been 125 trucks coming through Town either.

A motion was made by Mr. Higginbotham, seconded by Mr. Mattox, that VEPCO pay the Town of Altavista \$125 per hour or part thereof for the manned use of our street sweeper with a minimum charge of one hour per day for use in cleaning up the routes used by the trucks.

Mr. Edwards asked an amended motion be made for VEPCO to require trucks delivering to their facility be sealed from the rear to prevent spillage. Mr. Edwards also asked that truckers deliver with a canvas tied or doors closed.

Mr. Mattox stated loads are required to be secured.

A motion was made by Mr. Edwards, seconded by Mr. Mattox, that VEPCO require trucks delivering to their facility be sealed from the rear to prevent spillage.

Motion carried:

VOTE:	Mr. J.R. Burgess	No
	Mr. Ronald Coleman	No
	Mrs. Beverley Dalton	No
	Mr. Charles Edwards	Yes
	Mr. Bill Ferguson	No
	Mr. Jay Higginbotham	Yes
	Mr. Mike Mattox	Yes

The vote to charge VEPCO for clean up: (Jay's amendment)

Motion carried:

VOTE:	Mr. J.R. Burgess	No
	Mr. Ronald Coleman	No
	Mrs. Beverley Dalton	No
	Mr. Charles Edwards	Yes
	Mr. Bill Ferguson	No
	Mr. Jay Higginbotham	Yes
	Mr. Mike Mattox	Yes

Mr. Higginbotham requested steam be provided to the waste water treatment plant as if the plant was a host user; with payment being at the actual cost to produce.

Mr. Eck, Dominion Virginia Electric and Power, stated they agree to evaluate the consumption of the steam rate and the flow rate. He stated that Dominion has agreed to provide assessments and evaluations but it should not be part of a SUP condition at this time. They need to evaluate and look at the engineering, piping and the consumptions. He stated it is on record Dominion's commitment to evaluate it and commitment that it should not be subsidized by the rate payers.

A motion was made by Mr. Higginbotham, seconded by Mr. Mattox, that steam be provided to the Altavista sewer plant with the existing steam lines that are already there as if the sewer plant were a host user just like they provided steam to The Lane Company, Inc. The payment by Altavista would be at the actual cost to produce the steam so there is no subsidy by the VEPCO rate payers. The electricity users will not subsidize the Town for the steam we will be paying for the cost to produce it.

Motion carried:

VOTE:	Mr. J.R. Burgess	No
	Mr. Ronald Coleman	No
	Mrs. Beverley Dalton	No
	Mr. Charles Edwards	Yes
	Mr. Bill Ferguson	No

REGULAR COUNCIL MEETING APRIL 26, 2011

Mr. Jay Higginbotham	Yes
Mr. Mike Mattox	Yes

A motion was made by Mr. Higginbotham, seconded by Mr. Mattox, for an amendment to restrict truck traffic on Pittsylvania Avenue from 6:00 am to 10:00 pm and allowing trucks to only deliver at night from 10:00pm – 6:00am of the following day. This will be in effect until an alternate route is selected and constructed.

Mayor Burgess asked if restricting these trucks meant all trucks.

Mr. Eller stated that was correct.

Motion carried:

VOTE:	Mr. J.R. Burgess	No
	Mr. Ronald Coleman	No
	Mrs. Beverley Dalton	No
	Mr. Charles Edwards	No
	Mr. Bill Ferguson	No
	Mr. Jay Higginbotham	Yes
	Mr. Mike Mattox	Yes

Mr. Higginbotham requested the special use permit be reviewed every two years to ensure the amount of truck traffic is not impacting the health, safety and welfare of the citizens of Altavista.

A motion was made by Mr. Higginbotham, seconded by Mr. Mattox, to require a review of the special use permit every two years.

Motion carried:

VOTE:	Mr. J.R. Burgess	No
	Mr. Ronald Coleman	No
	Mrs. Beverley Dalton	No
	Mr. Charles Edwards	No
	Mr. Bill Ferguson	No
	Mr. Jay Higginbotham	Yes
	Mr. Mike Mattox	Yes

Mr. Mattox asked Council to consider a \$200 penalty for any and all trucks found on the restricted routes.

Mr. Eller stated it is not in our current zoning ordinance.

Mr. Mattox withdrew his motion.

#### Special Use Permit Amendment

Motion carried:

VOTE:	Mr. J.R. Burgess	Yes
	Mr. Ronald Coleman	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Bill Ferguson	Yes
	Mr. Jay Higginbotham	No
	Mr. Mike Mattox	No

Mr. Mattox offered his reasoning for his vote. He stated he was speaking for some of the people in Altavista. He has looked at this issue and looked at rewards versus benefits. The rewards is the restoration of the 20 jobs lost by Dominion and over a period of time a \$40,000 tax revenue. What this is going to cost the Town of Altavista in terms of risk is 150 to 250 additional trucks coming into our Town, no accountability for true measurement; we are just opening the gates. There is no way

to count. There will be a truck at the top of Wood Lane and Main Street about every 90 seconds with two thirds of these trucks making a left turn. This is a point of public safety, congestion and increased possibility of accidents. As in the comprehensive plan, a problem was previously identified at the Main Street corridor. This was before the 250 trucks a day. There is the issue of widening Main Street to four lanes from Seventh Street to the corporate limits; again an issue of public safety. The trucks on restricted routes through school zones and residential areas; there is nothing more important than protecting our citizens. There is no penalty for violation; we have no access to penalty for violation. We already have a congestion problem completely identified and agreed upon by the members and Superintendent of the school system. The entry only opens the Town up. There will still be a traffic problem. Dominion's data based on complaints, there was no traffic survey to see who was violating. There is no written guarantee that the section of Main Street and Pittsylvania will be completed before the opening of the cogeneration plant. Chip spillage, refusal to require trucks to be fully enclosed to prevent spillage. There is a problem with unsafe trucks. He has spoken to public safety officials who state they pull over trucks on a regular basis because they are unsafe. Dominion has stated it is not their responsibility to keep safe trucks; it is the Town's responsibility. Mr. Mattox stated he has a problem with that. The traffic study was only done on one day, March 17<sup>th</sup>. Why was this day chosen? The proper sampling of traffic should be more than one day. The chip pile has the enhanced risk of the Town being permanently damaged by 20 to 30 tons of fuel being ignited. Dominion, in their own conversation, offered no help in putting out the fire. Mr. Mattox quoted Dominion's words as "our guys are not even allowed to touch a fire hose." It will come to the responsibility of the Altavista Volunteer Fire Company. He noted Dominion clearly stated they have donated to the Altavista Fire Company since 2007. Mr. Mattox stated this was false. Mr. Mattox stated he has the privilege of dealing with one of the local stores and he can imagine the blowing of chips across the Town and Country Shopping Center. Those are the public safety issues. Mr. Mattox looked at the quality of life issues next. As identified by VDOT, Mrs. Dowdy, and people along the corridor, it is difficult for customers to exit from their businesses. He stated he understands 20 jobs would be restored but Council needs to consider how many jobs will be lost if these businesses close. Increased wear and tear on our roads, as discussed continually, it will add dust and dirt along with chip spillage and Council has refused to make sure the trucks are enclosed. The property values from the chip pile, he stated he could not imagine hearing a bulldozer running continuously and having chips falling on your property. Mr. Mattox stated there was a possibility that these issues could be worked out; adjust the zoning ordinance, do a proper traffic study, but not at Council's choosing but at Dominion's time line and in his opinion has failed the citizens. He brought up the discussion on tourism, Main Street a haul route and north gateway a chip pile. There are a lot of promises but no guarantees in writing. Mr. Mattox stated in his opinion this has the potential of having one of the most negative effects in the 100-year history of this Town and because of that he is voting no.

Mrs. Dalton recalled a discussion of a committee to look at these issues and felt this was a grand idea.

Mrs. Dalton and Mr. Coleman agreed to serve on the committee.

Mr. Eck thanked Council for their consideration and read the following statement on behalf of Virginia Electric and Power Company:

Virginia Electric and Power Company accepts the amendments to the special use permit and agrees to be bound by all the specific conditions in the form proposed by VEPCO in its April 25, 2011 draft. If the amended special use permit and specific conditions are passed as VEPCO proposed in the said April 25, 2011 draft VEPCO will not appeal Town Council's action tonight in issuing the amended special use permit.

## TOWN OF ALTAVISTA

### AMENDED SPECIAL USE PERMIT FOR A POWER GENERATION PLANT ON STATED CONDITIONS

April 26, 2011

At a meeting April 26, 2011, being a continuation of its regular monthly meeting, April 12, 2011, the Altavista Town Council passed an ordinance amending the Special Use Permit originally granted to Ultra Cogen Systems, Inc., a division of Hadson Power Systems, Inc., hereinafter "Ultra Cogen" on April 11, 1989, as previously amended by Amended Special Use Permit for a Cogeneration Plant on Stated Conditions, dated June 12, 2007, upon application of Virginia Electric & Power Company, hereinafter "VEPCO," successor to Ultra Cogen. The original Special Use Permit was granted to Ultra Cogen and was by its terms binding upon Ultra Cogen and its successors and assigns and is therefore binding upon VEPCO. The provisions of the original Special Use Permit, as amended on June 12, 2007, which were not amended continue in force from the date of the original Special Use Permit, as amended on June 12, 2007, and are restated herein for clarity using "VEPCO" as the named permittee. The paragraphs which were amended by the June 12, 2007 ordinance are stated in italics, and the paragraphs which were amended by the April 26, 2011 ordinance are stated in underscored italics.

The amended conditions are issued subject to the generation facility now owned and operated by VEPCO (hereinafter "facility" or "plant") meeting each and every one of the conditions hereinafter set forth both original and amended and subject to continued compliance by VEPCO and its successors and assigns with each and every one of the conditions.

Continued violation of any of the said conditions after notice and a hearing before the Town Council and a reasonable period to bring said violation into compliance shall, upon a resolution by the Town Council, void this Special Use Permit and VEPCO's right to operate the facility shall thereupon terminate. The Town of Altavista reserves the right, without notice, to enter VEPCO's property with its agents to conduct such examinations and testing as may be necessary to determine that VEPCO is in fact in compliance with all the terms of this Special Use Permit as amended. Wherever used herein the term "VEPCO" shall mean Virginia Electric and Power Company and its successors and assigns.

#### SPECIFIC CONDITIONS

1. **Screening from Shopping Center.** VEPCO shall provide and maintain screening along the northern boundary (between the shopping center and the facility site) consisting of a 6 – 8' berm, landscaped with white pine or other coniferous trees 10-12' in height, 15-20' center to center spacing. Trees must be planted within 90 days of beginning of construction. The screening shall be maintained by VEPCO so long as the plant is in operation.
2. **Screening from Route 29.** VEPCO shall provide and maintain 10-12' white pines or other coniferous trees on northwestern border along Rt. 29, 15-20' center to center spacing. Trees must be planted within 90 days of beginning of construction. The screening shall be maintained by VEPCO unless the plant is screened by other structures.

*VEPCO shall provide and maintain screening along Wood Lane, between Wood Lane and the proposed biomass related fuel storage pile, to the extent reasonably possible after taking into consideration VEPCO's final site design for the facility, the topography of the area on which the screening will be located, and good engineering practices. Such screening shall consist of a berm and/or an agreed upon coniferous tree type. Any such berm shall be installed and any such trees shall be planted prior to the commencement of commercial operations at the facility and shall be maintained by VEPCO.*

3. **Color of Structures.** All structures shall be painted or otherwise colored earth tone colors to blend with the natural background.
4. **Noise Control.** VEPCO shall provide noise abatement measures to minimize noise to neighboring areas, as indicated in Table 5 page 36 of the Environmental Assessment dated

## REGULAR COUNCIL MEETING APRIL 26, 2011

February, 1989 prepared by Ultrasystems Environmental Services and shall not exceed the following noise levels:

- A. Construction period (approximately 24 months):
    - 75-95 dBA @ 50 feet
    - 65 dBA @ 500 feet
    - 55 dBA @ 1,500 feet
  - B. Plant Operations: Overall noise levels determined by summing the sound levels of the individual components at their loudest operating levels:
    - 95 dBA at 3 feet
    - 51 dBA at 500 feet
    - 41 dBA at 1,500 feet
5. **Coal, and Biomass-Related Fuel Products Receiving.** VEPCO may conduct on-site coal and biomass-related fuel products receiving and handling on such days and at such times as it deems necessary.
6. **Improvements to Wood Lane.** VEPCO shall construct, at its own expense, the Wood Lane entrance from Route 29 in accordance with state standards for tractor trailers after the appropriate right-of-way has been obtained by the Town of Altavista.
7. **Biomass-Related Fuel Products deliveries via truck.** There shall be no coal deliveries to the facility by truck. A maximum of 50 trucks per day (on a rolling 30-day average) delivering biomass-related fuel to the facility may enter the Town of Altavista from the south end of Town and proceed along Pittsylvania Avenue and north along U.S. Business Route 29 (Main Street) to the facility. All other trucks delivering biomass-related fuel to the facility originating from the north, west, or south of the Town of Altavista shall enter the Town utilizing the U. S. Business Route 29 Bypass at the north end of Town and proceed south along U.S. Business Route 29 (Main Street) to the facility. Trucks delivering biomass-related fuel may not utilize the portion of Main Street that lies between Pittsylvania Avenue south to the Altavista corporate limits, or the portions of Bedford Avenue, Clarion Road or Lynch Mill Road lying within the corporate limits of the Town to access U. S. Route 29 Business (Main Street) north of Pittsylvania Avenue to make such deliveries. After such trucks have made said deliveries, VEPCO shall make good faith continuing efforts to notify and advise such trucks, which are exiting VEPCO's Altavista facility, to adhere to the truck delivery prohibitions about utilizing the portion of: (i) Main Street that lies between Pittsylvania Avenue south to the Altavista corporate limits, and (ii) Bedford Avenue, Clarion Road or Lynch Mill Road lying within the corporate limits of the Town and U. S. Route 29 Business (Main Street) north of Pittsylvania Avenue.  
  
VEPCO shall cause all haulers delivering biomass related fuel to the facility to affix a unique identification marker to their equipment so that it can be clearly identified as a hauler delivering biomass related fuel to the facility. Furthermore, VEPCO shall make a good faith continuing effort to ensure by whatever means VEPCO deems necessary that the haulers delivering biomass related fuel to the Altavista facility and leaving said facility comply with the route restrictions provided herein.  
  
With respect to trucks exiting the Altavista facility after making a biomass-related fuel delivery, VEPCO shall be deemed to have satisfied its obligations under this paragraph No. 7 regarding truck utilization restrictions on exiting the facility by periodically and repeatedly notifying and advising loggers, haulers and other vendors providing biomass-related fuel to the Altavista facility of said route restrictions. As part of VEPCO's obligations under this paragraph No. 7, VEPCO shall install signs of reasonable size at its Altavista facility informing trucks exiting the Altavista facility of the above route prohibitions.
8. **Road between Lane Company and plant.** VEPCO shall obtain an easement for and construct and maintain a gravel surface road between the Lane Company and plant site on the river side of the Norfolk-Southern tracks to be used for wood deliveries from Lane Company and incidental traffic.
9. **Air and Water Pollution Control, etc. compliance with all State and Federal Requirements.** Prior to project operation, VEPCO shall provide to Town copies of State Air Pollution Control Permits, State Water control Discharge Permits, State Water Control Board and Army Corps of Engineers Water Intake Permits, VDOT permits, Norfolk-Southern Railway permits and signed

REGULAR COUNCIL MEETING APRIL 26, 2011

easements including an easement for the steam line to the Lane Company. VEPCO shall operate its water intake from the Staunton River in a prudent manner consistent with the permit conditions specified by the State Water Control Board and Army Corps of Engineers.

As an express condition of this Special Use Permit, VEPCO shall at all times maintain compliance with the requirements of all of said permits and violation of said permits shall constitute a violation of this Special Use Permit.

10. **Dust Control.** VEPCO shall provide on-site dust control measures to prevent fugitive ash, lime, coal and biomass-related fuel products from becoming a nuisance to surrounding land uses.
11. **Erosion Control.** VEPCO shall provide and adhere to a grading, drainage and erosion plan in accordance with, State and Town Erosion and Sedimentation Control Regulations.
12. **Plan for low flow in Staunton River.** VEPCO shall provide a contingency plan for low flow in the Staunton River.
13. **Floodway protection.** All structures and/or modifications within the flood plain shall be designed and constructed so as to not increase flood levels upstream and to be in accordance with State Water Control Board and Town Regulations.
14. **Coal and Biomass-Related Fuel Products, storage in flood plain.** If coal and biomass-related fuel products are stored in an area the elevation of which is below the 100 year flood plain, VEPCO shall construct retaining walls or berms around the fuel piles listed above to height above 100 year flood plain elevation.
15. **Ash Storage.** VEPCO shall allow no ash storage on site outside enclosed silos.
16. **Glare from lighting.** VEPCO shall shield the security lighting to minimize the nuisance to neighboring areas.
17. **Site Security – construction period.** VEPCO shall provide an on-site security system during construction and operation of facility.
18. **Site Security.** VEPCO shall provide a 6 foot high chain link security fence around all active work areas of the plant and all areas where dangerous materials are stored.
19. **Fire Control.** VEPCO shall provide all fire control measures required by its insurance carrier and by the State Fire Marshall.
20. **Relocation of utilities.** All Town utilities which are relocated due to the construction and operation of the facility shall be relocated at the expense of VEPCO
21. **VEPCO's obligation in event of cessation of operations.** In the event that the plant ceases to operate for a reason other than repairs or other purpose consistent with the immediate renewal of operations and said shutdown period exceeds one year the facilities shall, within two years after the expiration of said one year shutdown period, be sold or transferred to another company which owner-operator will begin operations within a period of one year after said transfer. In the event that the said shutdown occurs without a renewal of operations within the stated periods VEPCO shall, at its expense, within two years of the date of an order to do so from the Town Council remove the facilities (demolish the plant) and clear the site.

During any period of cessation of operations VEPCO shall keep the site secure for the safety of the public.

22. **Temporary Relief from Restrictions.** In the event that circumstances beyond the control of VEPCO, including, without limitation, emergencies, road or bridge construction, closures and/or weather events, cause on-site fuel storage to fall below a 7-day supply, the restrictions of Paragraph 7 shall be temporarily suspended until on-site fuel supply has been restored to a 10-day fuel supply, and in such event VEPCO shall notify the Town Manager of Altavista, Virginia, or his/her designee (the "Town Manager") thereof.
23. **Parcels Affected by Special Use Permit; Site Plan.** That certain site plan attached to the original Special Use Permit, as amended on June 12, 2007, which is dated January 31, 1989 and



entitled "Overall Site Plan Ultra/Cogen Altavista" is hereby amended, superseded and replaced by that certain site plan entitled "Drawing Showing Conceptual Design of Proposed Improvements on Parcel 84-A-12 & a Portion of Parcel 84-A-8D Owned by Frazier Estate Corp. & WS Frazier Lumber Co. Inc., Vista District, Campbell County, Virginia", and prepared by Dominion, Fossil & Hydro Technical Services, a copy of which is attached hereto as Exhibit A and made a part hereof by this reference.

24. **Definition of Biomass Related Fuel.** "Biomass related fuel" shall mean, for the purposes of this Special Use Permit, wood, wood waste, wood manufacturing industry byproducts, and/ or other organic plant material but shall exclude municipal liquid and solid waste (sludge), animals or animal waste.
25. **Height Limitations.** The storage of coal and biomass related fuel pile shall not exceed 100 feet in height above grade level of the parcels shown thereon and equipment/conveyors used in connection with storage and transferring of the biomass related fuel shall not exceed 150 feet in height above grade level of the parcels shown thereon.
26. **Screening from Adjacent Parcels.** VEPCO shall (i) construct a berm with height(s) as high as good engineering practices allow taking into consideration the available space between the transmission easement and the boundaries between Tax Map Parcel Number 84-A-12 and Tax Map Parcel Numbers 83A-41122-6, 83A-41122-19 and 84-A-12B and (ii) plant trees and/or vegetation atop such berm. VEPCO shall construct the berm within 45 days of the commencement of construction of improvements to the facility contemplated by the attached conceptual plan, and VEPCO shall plant the trees and/or vegetation atop the berm within 120 days of the commencement of such construction. VEPCO shall, at its option, either (i) construct an opaque fence or (ii) plant trees (which trees shall not exceed 10 feet in height when mature) along the boundary between Tax Map Parcel Number 84-A-12 and Tax Map Parcel Number 84-A-13. VEPCO shall maintain the berm and the vegetation, trees and/or opaque fence.
27. **Fire hydrant at intersection of Main Street and Wood Lane to be relocated.** The fire hydrant presently located on the corner of Main Street and Wood Lane shall be relocated to a point which is a maximum of 100' from its present location at VEPCO's expense. The cost of such relocation shall be reimbursed to the Town by VEPCO within 30 days of presentation of an invoice for the cost thereof.
28. **Contribution to Modifications to Intersection of Pittsylvania Avenue and Main Street.** If the proposed improvements to the intersection of Main Street and Pittsylvania Avenue in the Town of Altavista, Virginia, as more particularly set forth in that certain letter dated April 6, 2011 to the Town Manager from Robert H. Cary, District Administrator, Virginia Department of Transportation (VDOT), are not completed by VDOT prior to the date on which the facility has been converted from coal to biomass related fuel capability and has commenced commercial operations, VEPCO shall reimburse the Town for relocating and/or repainting the existing "stop bars" at the intersection of Main Street and Pittsylvania Avenue in an amount not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00), said reimbursement to be made within 30 days of presentation of an invoice for the cost thereof.

"I hereby certify that the foregoing is a true and correct copy of the Special Use Permit issued by the Altavista Town Council at a meeting held on April 26, 2011 which was a continuation of the regular monthly meeting of April 12, 2011."

TOWN OF ALTAVISTA, VIRGINIA

By: \_\_\_\_\_  
Clerk

Date: \_\_\_\_\_

REGULAR COUNCIL MEETING APRIL 26, 2011

Mayor Burgess asked if there was anything else to bring before Council.

The meeting was adjourned at 6:49 p.m.

---

J. R. Burgess, Mayor

---

J. Waverly Coggsdale, III, Clerk